

### COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1840.01
COMPLAINT INVESTIGATOR:	John Hill
DATE OF COMPLAINT:	December 3, 2001
DATE OF REPORT:	January 15, 2002
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	February 18, 2002

### COMPLAINT ISSUES:

Whether the North Miami Community Schools and the Logansport Area Joint Special Services violated:

- 511 IAC 7-27-7(b) and 511 IAC 7-17-72 by failing to ensure the student's teacher of record (TOR):
  - a. ensured the student's individualized education program (IEP) is accessible to each of the student's teachers;
  - b. informed the general education teacher of his or her specific responsibilities related to implementing the student's IEP;
  - c. served as a consultant and resource person to personnel providing services to the student, specifically, failing to provide information about the student's focusing and eye teaming problems; and
  - d. providing progress reports to the parents.
- 511 IAC 7-27-7(a) by failing to implement the student's IEP as written, specifically:
  - a. failing to implement the student's most recently developed IEP;
  - b. failing to permit the student extended time to complete work in the general education science class;
  - c. failing to provide progress reports in accordance at the time periods identified in the IEP; and
  - d. failing to send home a progress report when the student's grade drops below a C-.
- 511 IAC 7-21-6(b) by failing to provide a student with a disability with English and math instructional materials and supplies comparable to those provided to non-disabled students.
- 511 IAC 7-17-29 by failing to include in the student's educational record a copy of the student's most recently developed IEP.

The due date for the report was originally January 2, 2002. However, because additional information was needed during the time the school was on holiday break, an extension of time

until January 15, 2002, was granted on December 21, 2001.

## **FINDINGS OF FACT:**

1. The Student is twelve-year-old seventh-grader who has been determined eligible for special education and related services due to a learning disability.
2. August 15, 2001 was the first day of school for the 2001-2002 school year. The Student's current IEP and addendum, dated May 24, 2001, was made available to all of the Student's teachers on August 17, 2001.
3. The IEP Addendum, dated January 11, 2001, and reviewed May 24, 2001, states that board work and assignments must be in manuscript. The TOR's note, dated September 9, 2001, indicates that she met with the Student's science and social studies teachers because they were confused about printing/ manuscript issue.
4. A parent/teacher meeting was held on September 14, 2001, to discuss the Student's progress, visual issues, note format, and IEP addendum page. Present at the meeting were the Student's science teacher, social studies teacher, counselor, and the TOR, who is also the Student's math and English teacher.
5. The Student's CCC summary, dated May 24, 2001, indicates the student requires extra time to complete assignments. The IEP Addendum, dated January 11, 2001, and reviewed May 24, 2001, indicates under the "Pacing" section that the Student is to be allowed more time and under the "Student Assessment" section that the Student is to be given extended time. Neither the CCC Summary nor the IEP specifies how this is to be implemented nor indicates a specific amount of additional time.
6. The Student was given the same due date for science assignments as the rest of the students in the class. When the Student's assignments were turned in after the class established due dates, the Student was given half credit for turning them in late.
7. The Student's IEP, dated May 24, 2001, indicates progress reports will be completed every three weeks for each of the Student's six academic classes. The school maintained copies of some of the Student's three-week progress reports, but cannot document that the parent received them.
8. The school acknowledged during the on-site interview that the Student's parents were not informed of the Student's progress towards annual goals.
9. The IEP Addendum, dated May 24, 2001, states that the classroom teacher will send a progress report if the Student's grade falls below C minus. The school cannot document that such progress reports were provided to the parents prior to the parents' receipt of the Student's report cards of the Student's first six-week science grade of "D" or the second six-week science grade of "F."

10. The Student's math textbook is the "Saxton Math 76" book. The student has her own copy of the text, which is comparable to the text supplied to the non-disabled students.
11. The Student's English teacher utilizes "The Shurly Method" textbook to make copies of lessons and assignments for the students. The Student does not have her own copy of "The Shurly Method" textbook; however the Student is provided books for required novels and short stories. The non-disabled students are assigned their own general education Literature Book as well as their own "Shurly Method" textbook.
12. The Student's educational record contains a copy of the Student's most recently developed IEP, dated May 24, 2001.

### **CONCLUSIONS:**

1. Finding of Fact #2 indicates that the Student's TOR made the IEP accessible to each of the Student's teachers. Findings of Fact #3 and #4 reflect that the Student's TOR informed the general education teachers of their responsibilities related to implementing the Student's IEP. Finding of Fact # 4 establishes that the Student's TOR provided the student's teachers information about the student's focusing and visual issues. However, Finding of Fact #8 reflects the TOR failed to inform the parents of the Student's progress towards annual goals. Therefore, a violation of 511 IAC 7-27-7(b) and 511 IAC 7-17-72 is found with respect to the TOR's failure to provide progress reports to the parents.
2. Findings of Fact #5, #6, #7, #8, and #9 indicate that the school failed to implement the Student's most recently developed IEP. Findings of Fact #5 and #6 reflect that the school failed to permit the student extended time to complete the work beyond the due dates for the other students in the general education science class. Finding of Fact #7 establishes that the school cannot document that it provided all progress reports in accordance with the time periods identified in the Student's IEP. Finding of Fact #9 reflects that the school cannot document that a progress report was sent home when the Student's grade fell below a "C-" in science. Therefore, a violation of 511 IAC 7-27-7(a) is found with respect to each of these issues.
3. Finding of Fact #10 indicates that the Student's math instructional materials and supplies are comparable to those of non-disabled students. However, Finding of Fact #11 reflects that in English class, the Student is given copies of the "Shurly Method" textbook pages, while the non-disabled students actually have a copy of the "Shurly Method" textbook. Therefore, a violation of 511 IAC 7-21-6(b) is found.
4. Finding of Fact #12 establishes that the Student's educational record contains a copy of the Student's most recently developed IEP. Therefore, no violation of 511 IAC 7-17-29 is found.

**The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.**

## **CORRECTIVE ACTION:**

The North Miami Community Schools and the Logansport Area Joint Special Services shall:

1. Provide parents with copies of all progress reports that should have been provided year-to-date no later than January 25, 2002. Submit documentation confirming the parents' receipt of these progress reports to the Division no later than February 8, 2002.
2. Send a memorandum to all TORs regarding the TOR's responsibility for providing progress reports to parents in accordance with students' IEPs. A copy of the memorandum and a list of individuals to whom the memorandum was sent shall be submitted to the Division no later than February 8, 2002.
3. Reconvene the Student's CCC by January 31, 2002 to define how the instructional modifications concerning "allowing more time" and "extended time" will be implemented. Such detail shall be included in the Student's IEP. The TOR shall inform all of the Student's teachers in writing of the details of these modifications, along with a reminder of each teacher's responsibility to provide the parent with a progress report when the Student's grade drops below a C minus. A copy of the CCC Report, IEP, and memorandum from the TOR shall be submitted to the Division no later than February 8, 2002.
4. Immediately provide the Student with a copy of the English texts currently provided to other students in the class. Submit an assurance statement, no later than February 8, 2002, that the Student has been provided with the appropriate texts.
5. Revise the Student's science grades for the first half of the 2001-2002 to reflect no penalty for science assignments that were previously given only one-half credit due to the Student's failure to complete the assignment within the same time period as the Student's classmates. An official transcript of the Student's grades, reflecting the revisions, shall be submitted to the Division and the Student's parents no later than February 8, 2002.

DATE REPORT COMPLETED: January 15, 2002